

INTERNET
FORM NLRB-508
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case

Date Filed
7-29-21

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name

International Union, United Automobile, Aerospace and Agricultural
Implement Workers of America, Local 2075

b. Union Representative to contact

(b) (6), (b) (7)(C)

c. Address (Street, city, state, and ZIP code)

616 South Collett Street, Lima Ohio 45804

d. Tel. No.

419-229-7593

e. Cell No.

(b) (6), (b) (7)(C)

f. Fax No.

g. e-Mail

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 8(b)(1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the past 18 months and continuing to date, the above-named labor organization, by its officers, agents, and representatives have restrained and coerced employee (b) (6), (b) (7)(C) in the exercise of (b) (6), (b) (7)(C) rights protected by Section 7 of the Act by refusing to represent (b) (6), (b) (7)(C) regarding several employment related matters including (b) (6), (b) (7)(C) 2021 discharge for arbitrary or discriminatory reasons or in bad faith.

3. Name of Employer

General Dynamics Land Systems Inc.

4a. Tel. No.

419-221-7015

b. Cell No.

c. Fax No.

d. e-Mail

5. Location of plant involved (street, city, state and ZIP code)

1161 Buckeye Road, Lima, Ohio 45804

6. Employer representative to contact

David Leonhardt, HR Director

7. Type of establishment (factory, mine, wholesaler, etc.)

Factory

8. Identify principal product or service

Abrams Tanks

9. Number of workers employed

900 + 1000

10. Full name of party filing charge

(b) (6), (b) (7)(C)

11a. Tel. No.

(b) (6), (b) (7)(C)

b. Cell No.

c. Fax No.

d. e-Mail

11. Address of party filing charge (street, city, state and ZIP code.)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

12. DECLARATION

I declare (b) (6), (b) (7)(C) have read above charge and that the statements therein are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C)

Individual

(b) (6), (b) (7)(C) (Print/type name and title or office, if any)

Tel. No.

Same as 11a

Cell No.

Same as 11b

Fax No.

e-Mail (b) (6), (b) (7)(C)

Same as 11

Address _____ (date) 7-28-21

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. NexGen Inc. (b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 8
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

Agency Website: www.nlrb.gov
Telephone: (216)522-3715
Fax: (216)522-2418

December 15, 2021

(b) (6), (b) (7)(C)

Re: International Union, United Automobile,
Aerospace and Agricultural Implement
workers of America, Local 1219 (General
Dynamics Land Systems Inc.)
Case 08-CB-280693

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW Local 2075 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

You allege that the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Local 2075 (Union) violated Section 8(b)(1)(A) of the Act by failing to represent you regarding employment matters at General Dynamics Land Systems, Inc. (Employer), including your (b) (6), (b) (7)(C) 2021 discharge.

The evidence established that the Union filed a grievance on your behalf regarding your discharge in accordance with its established procedures, communicated with you regarding the grievance, and continues to process your grievance. Under these circumstances, there is insufficient evidence to establish that the Union violated the Act. Accordingly, I am refusing to issue complaint in this matter.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the

International Union, United Automobile,
Aerospace and Agricultural Implement
workers of America, Local 1219 (General
Dynamics Land Systems Inc.)
Case 08-CB-280693

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National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **December 29, 2021**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than December 28, 2021. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before December 29, 2021**. The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after December 29, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



IVA Y. CHOE
Regional Director

Enclosure

International Union, United Automobile,
Aerospace and Agricultural Implement
workers of America, Local 1219 (General
Dynamics Land Systems Inc.)
Case 08-CB-280693

- 3 -

cc: Dave Leonhardt
General Dynamics Land Systems
1161 Buckeye Rd
Lima, OH 45804

Gary Francis
General Dynamics Land Systems
38500 Mound Road
Sterling Heights, MI 48310

(b) (6), (b) (7)(C)

International Union, United Automobile,
Aerospace and Agricultural Implement
Workers of America, UAW Local 2075
616 South Collett Street, Suite 102
Lima, OH 45805

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

International Union, United Automobile, Aerospace and Agricultural Implement workers of America, Local 1219 (General Dynamics Land Systems Inc.)

Case Name(s).

08-CB-280693

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case
08-CB-287359

Date Filed
12/7/21

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Local 2075	b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) 616 South Collett Street, Lima Ohio 45804	d. Tel. No. 419-229-7593	e. Cell No. (b) (6), (b) (7)(C)
	f. Fax No.	g. e-Mail
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 8(b)(1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since about (b) (6), (b) (7)(C) 2021, and continuing to date, the above-named labor organization, by its officers, agents, and representatives have restrained and coerced employee (b) (6), (b) (7)(C) in the exercise of (b) (6), (b) (7)(C) rights protected by Section 7 of the Act by failing and refusing to provide (b) (6), (b) (7)(C) with copies of requested grievances and other grievance related documents from the Union's files for arbitrary or discriminatory reasons or in bad faith.

3. Name of Employer General Dynamics Land Systems Inc.	4a. Tel. No. 419-221-7015	b. Cell No.
	c. Fax No.	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 1161 Buckeye Road, Lima, Ohio 45804	6. Employer representative to contact David Leonhardt, HR Director	
7. Type of establishment (factory, mine, wholesaler, etc.) Factory	8. Identify principal product or service Abrams Tanks	9. Number of workers employed 900 + 1000
10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
	c. Fax No.	d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

12. DECLARATION

I declare that I am (b) (6), (b) (7)(C) and the statements therein are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C) Individual
(b) (6), (b) (7)(C) (Print/type name and title or office, if any)

Same as 11

Address (date) 12-5-21

Tel. No.	Same as 11a
Cell No.	Same as 11b
Fax No.	
e-Mail	(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. NexGen Inc. (b) (6), (b) (7)(C)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 08-CB-287359	Date Filed 1-20-22

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Local 2075	b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) 616 South Collett Street, Lima Ohio 45804	d. Tel. No. 419-229-7593	e. Cell No. (b) (6), (b) (7)(C)
	f. Fax No.	g. e-Mail
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 8(b)(1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the past six months, the above-named labor organization, by its officers, agents, and representatives have restrained and coerced employee **(b) (6), (b) (7)(C)** in the exercise of **(b) (6), (b) (7)(C)** rights protected by Section 7 of the Act by refusing to represent **(b) (6), (b) (7)(C)** regarding **(b) (6), (b) (7)(C)** 2021 discharge including the decision to withdraw **(b) (6), (b) (7)(C)** grievance rather than taking it to arbitration.

Since about **(b) (6), (b) (7)(C)** 2021, and continuing to date, the above-named labor organization, by its officers, agents, and representatives have restrained and coerced employee **(b) (6), (b) (7)(C)** in the exercise of **(b) (6), (b) (7)(C)** rights protected by Section 7 of the Act by failing and refusing to provide **(b) (6), (b) (7)(C)** with copies of requested grievances and other grievance related documents from the Union's files.

The above described actions taken against **(b) (6), (b) (7)(C)** were for arbitrary or discriminatory reasons or in bad faith.

3. Name of Employer General Dynamics Land Systems Inc.	4a. Tel. No. 419-221-7015	b. Cell No.
	c. Fax No.	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 1161 Buckeye Road, Lima, Ohio 45804	6. Employer representative to contact David Leonhardt, HR Director	
7. Type of establishment (factory, mine, wholesaler, etc.) Factory	8. Identify principal product or service Abrams Tanks	9. Number of workers employed 900 + 1000
10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
	c. Fax No.	d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)		

I declare **(b) (6), (b) (7)(C)** and **(b) (6), (b) (7)(C)** are the charge and that the statements therein are true to the best of my knowledge and belief.

By **(b) (6), (b) (7)(C)** Individual
(b) (6), (b) (7)(C) (Print type name and title or office, if any)

Same as 11

Address _____ (date) **1-19-22**

Tel. No. Same as 11a
Cell No. Same as 11b
Fax No.
e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
SECOND AMENDED CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		08-CB-287359	1/21/22
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Union, United Automobile, Aerospace and Agricultural Implement Workers of America - UAW, Local 2075		b. Union Representative to Contact (b) (6), (b) (7)(C)	
c. Address 616 South Collett Street Lima, OH 45804		d. Tel. No. (419) 229-7593	e. Cell No. (b) (6), (b) (7)(C)
		f. Fax No.	g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about (b) (6), (b) (7)(C) 2021, and continuously thereafter, the above-named labor organization, by its officers, agents, and representatives have restrained and coerced employee (b) (6), (b) (7)(C) in the exercise of (b) (6), (b) (7)(C) rights protected by Section 7 of the Act by failing and refusing to provide employee (b) (6), (b) (7)(C) with copies of all grievance related documents. Since on or about (b) (6), (b) (7)(C) 2021, and continuously thereafter, the above-named labor organization has failed in its duty of fair representation by refusing to submit to arbitration a grievance on behalf of employee (b) (6), (b) (7)(C) in connection with (b) (6), (b) (7)(C) termination of employment with General Dynamics Land Systems, Inc., for arbitrary or discriminatory reasons or in bad faith.			
3. Name of Employer General Dynamics Land Systems, Inc.		4a. Tel. No. (419) 221-7015	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 1161 Buckeye Road Lima, OH 45804		6. Employer representative to contact David Leonhardt, HR Director	
7. Type of Establishment (factory, mine, wholesaler) Factory	8. Principal product or service Abrams Tanks		9. Number of Workers employed 900 +
10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No.		11b. Cell No. (b) (6), (b) (7)(C)
	11c. Fax No.		11d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that (b) (6), (b) (7)(C) have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C) an Individual	
(Signature of representative of person making charge)		Print/type name and title or office, if any	
		Cell No. (b) (6), (b) (7)(C)	
Address: Same as 11 above.		Date: 1-21-22	Fax No.
		e-Mail (b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
201 E. Kennedy Blvd., Ste 530
Tampa, FL 33602-5824

Agency Website: www.nlrb.gov
Telephone: (813)228-2641
Fax: (813)228-2874

April 12, 2022

Re-Served Letter¹

(b) (6), (b) (7)(C)

Re: International Union, United Automobile,
Aerospace and Agricultural Implement
Workers of America, Local 2075, AFL-CIO
(General Dynamics Land Systems)
Case 08-CB-287359

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Local 2075, AFL-CIO (UAW) (the Union or Local 2075) has violated the National Labor Relations Act (the Act).

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that the Union refused to provide you with certain information and has refused to process to arbitration a grievance concerning the termination of your employment by General Dynamics Land Systems, Inc. (the Employer) for arbitrary or discriminatory reasons or in bad faith, in violation of Section 8(b)(1)(A) of the Act.

The Union is a party to a collective-bargaining agreement with the Employer that is effective by its terms from October 21, 2019 to October 22, 2023, covering the terms and conditions of employment of bargaining units of production and maintenance employees of the Employer, including your workplace, the Lima Tank Plant in Lima, Ohio. The evidence shows that you worked for the Employer as (b) (6), (b) (7)(C) for approximately (b) (6), (b) (7) years until (b) (6), (b) (7)(C) 2021, when the Employer indefinitely suspended you. The Employer then discharged you on (b) (6), (b) (7)(C) 2021. The Employer took these actions based on its determination that you violated its hourly lost time control (i.e. attendance) policy. It is undisputed that preceding these actions, the

¹ This letter was originally served on March 2, 2022, and is being re-served with new appeal dates because the Charging Party had changed (b) (6), (b) (7)(C) email address and did not receive the letter served on March 2, 2022.

Employer had issued you progressive discipline pursuant to that policy, including a one month disciplinary layoff issued on (b) (6), (b) (7)(C) 2021, the last step of the Employer's attendance policy before discharge. It is also undisputed that you did not grieve the 30 day disciplinary layoff.

On (b) (6), (b) (7)(C) 2021, the day after you were discharged, the Union presented a grievance to the Employer alleging that the Employer unjustly suspended you on (b) (6), (b) (7)(C) and discharged you on (b) (6), (b) (7)(C). The evidence shows that the Union investigated this matter, and your (b) (6), (b) (7)(C) promptly responded to text messages you sent (b) (6), (b) (7)(C). Your text messages to (b) (6), (b) (7)(C) included a medical note dated (b) (6), (b) (7)(C) 2021, stating that you were seen at an emergency room that day and could return to work on (b) (6), (b) (7)(C) which you contend proves that the Employer improperly relied (at least in part) on your absence on (b) (6), (b) (7)(C) when it decided to discharge you. The Employer denied the grievance at Step 1 of the contractual grievance procedure on (b) (6), (b) (7)(C). The Union then advanced the grievance to Step 2 of the grievance procedure, and the Union and Employer held a Step 2 grievance meeting on (b) (6), (b) (7)(C). The Union placed the Step 2 grievance on a one week hold because it was awaiting receipt of medical documentation that might excuse the alleged attendance infractions that resulted in your discharge. On (b) (6), (b) (7)(C) the Employer denied the grievance at Step 2 because no additional documentation was submitted. You acknowledge that in early (b) (6), (b) (7)(C) your (b) (6), (b) (7)(C) asked you if you had any additional documents to support the grievance, and you replied that you had no such additional documents. Thereafter, the Union determined that there was insufficient evidence to sustain your grievance and that the Employer would probably prevail if the grievance was arbitrated. In early (b) (6), (b) (7)(C) at Step 3 of the grievance procedure, the Union withdrew the grievance without prejudice, and then sent you a letter notifying you of its decision. Thereafter, in response to your stated desire to appeal the Union's decision, on (b) (6), (b) (7)(C) the Union provided you with information about how to appeal your grievance, including the relevant portion of the International Union Constitution. You were then able to file an appeal on (b) (6), (b) (7)(C) 2022, and you report that the Union has informed you that your appeal is scheduled to be considered by the Union membership on (b) (6), (b) (7)(C) 2022.

You further contend that on or about (b) (6), (b) (7)(C) 2021, you texted your (b) (6), (b) (7)(C) and asked (b) (6), (b) (7)(C) to provide the signed receipt showing you had received a copy of the collective-bargaining agreement between the Employer and Union from the Union; documents relating to an appointment to see a doctor that you contend a Union safety committeeman made on your behalf in October 2020, when you expected to be (b) (6), (b) (7)(C) related to exposure to (b) (6), (b) (7)(C) gas used in the (b) (6), (b) (7)(C) process; copies of prior grievances you filed; and the telephone number of the International Union. Although you asserted that you sent a text message to your (b) (6), (b) (7)(C) on or about (b) (6), (b) (7)(C) 2021, requesting this information, you did not produce the text message, and the investigation showed that you sent a text message to (b) (6), (b) (7)(C) requesting the telephone number for the International Union, which did not refer to any of the other information you claim to have requested. In addition, the International Union's telephone number is available on the International Union's website, and can be accessed through the Local 2075 website, and the Union asserts that it informed about this. Your

signature acknowledging receipt of the collective-bargaining agreement from the Union has no apparent relevance to your discharge grievance. Regarding the medical appointment from October 2020, the Union contends that it was not responsible for making your medical appointments or for making sure you received Hexachrome testing, and does not possess or control documents related to your medical appointments and treatment, or that the medical appointment in October 2020 was relevant to your discharge grievance. In addition, it is not clear how your medical records from October 2020, or prior grievances, which apparently are no longer pending, have any bearing on your grievance concerning your indefinite suspension and discharge.

Unions have a duty to fairly represent employees, but have broad discretion in making determinations about whether to pursue a grievance to arbitration, so long as they do not exercise their discretion in a discriminatory or arbitrary manner, or in bad faith. *Vaca v. Sipes*, 386 U.S. 171 (1967); *Glass Bottle Blowers Local 106 (Owens-Illinois, Inc.)*, 240 NLRB 324 (1979). In this case there is no evidence that any Union representative expressed animus against you based on any unlawful consideration, and I find that there is insufficient evidence to show that the Union acted against you based on arbitrary, discriminatory or bad faith considerations, or breached its duty to fairly represent in any manner encompassed by your charge.

For the above reasons, there is insufficient evidence to establish a violation of the Act, and I am refusing to issue a complaint in this case.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlr.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlr.gov. If you require additional assistance with E-Filing, please contact E-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

April 12, 2022

Appeal Due Date: The appeal is due on **April 26, 2022**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than April 25, 2022. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before April 26, 2022**. The request may be filed electronically through the **E-File Documents** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after April 26, 2022, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



David Cohen
Regional Director

Enclosures

cc: see next page

International Union, United Automobile,
Aerospace and Agricultural Implement
Workers of America, Local 2075, AFL-CIO
(General Dynamics Land Systems, Inc.)
Case 08-CB-287359

- 5 -

April 12, 2022

cc:

(b) (6), (b) (7)(C)

International Union, United Automobile,
Aerospace and Agricultural Implement
Workers of America, UAW Local 2075
616 South Collett Street, Suite 102
Lima, OH 45805

James A. Britton, Associate General Counsel
International Union, United Automobile,
Aerospace and Agricultural Implement
Workers of America (UAW), AFL-CIO
Law Department 8000 East Jefferson Avenue
Detroit, MI 48214-3963

David Leonhardt, Human Resources Director
General Dynamics Land Systems, Inc.
1161 Buckeye Road
Lima, OH 45804

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only one (1) **Appeal** can be e-filed to each determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



A screenshot of a dropdown menu with a light gray background. The menu is open, showing a list of options. The first option is "Extension of Time Request" with a small blue information icon to its right. Below it are four options, each preceded by a small square icon with a plus sign: "File an Appeal", "Notice of Appearance", "Position Statement", and "Withdrawal Request". Each of these four options also has a small blue information icon to its right. The final option at the bottom is "Correspondence" and does not have an icon.

- Extension of Time Request ⓘ
- ⊞ File an Appeal ⓘ
- Notice of Appearance ⓘ
- Position Statement ⓘ
- ⊞ Withdrawal Request ⓘ
- Correspondence

7. The selections of **Evidence** or **Other** should no longer be used.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
201 E. Kennedy Blvd., Ste 530
Tampa, FL 33602-5824

Agency Website: www.nlrb.gov
Telephone: (813)228-2641
Fax: (813)228-2874

March 2, 2022

(b) (6), (b) (7)(C)

Re: International Union, United Automobile,
Aerospace and Agricultural Implement
Workers of America, Local 2075, AFL-CIO
(General Dynamics Land Systems)
Case 08-CB-287359

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Local 2075, AFL-CIO (UAW) (the Union or Local 2075) has violated the National Labor Relations Act (the Act).

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that the Union refused to provide you with certain information and has refused to process to arbitration a grievance concerning the termination of your employment by General Dynamics Land Systems, Inc. (the Employer) for arbitrary or discriminatory reasons or in bad faith, in violation of Section 8(b)(1)(A) of the Act.

The Union is a party to a collective-bargaining agreement with the Employer that is effective by its terms from October 21, 2019 to October 22, 2023, covering the terms and conditions of employment of bargaining units of production and maintenance employees of the Employer, including your workplace, the Lima Tank Plant in Lima, Ohio. The evidence shows that you worked for the Employer as (b) (6), (b) (7)(C) for approximately (b) (6), (b) (7)(C) years until (b) (6), (b) (7)(C) 2021, when the Employer indefinitely suspended you. The Employer then discharged you on (b) (6), (b) (7)(C) 2021. The Employer took these actions based on its determination that you violated its hourly lost time control (i.e. attendance) policy. It is undisputed that preceding these actions, the Employer had issued you progressive discipline pursuant to that policy, including a one month disciplinary layoff issued on (b) (6), (b) (7)(C) 2021, the last step of the Employer's attendance policy before discharge. It is also undisputed that you did not grieve the 30 day disciplinary layoff.

On (b) (6), (b) (7)(C) 2021, the day after you were discharged, the Union presented a grievance to the Employer alleging that the Employer unjustly suspended you on (b) (6), (b) (7)(C) and discharged you on (b) (6), (b) (7)(C). The evidence shows that the Union investigated this matter, and your (b) (6), (b) (7)(C) promptly responded to text messages you sent (b) (6), (b) (7)(C). Your text messages to (b) (6), (b) (7)(C) included a medical note dated (b) (6), (b) (7)(C) 2021, stating that you were seen at an emergency room that day and could return to work on (b) (6), (b) (7)(C), which you contend proves that the Employer improperly relied (at least in part) on your absence on (b) (6), (b) (7)(C) when it decided to discharge you. The Employer denied the grievance at Step 1 of the contractual grievance procedure on (b) (6), (b) (7)(C). The Union then advanced the grievance to Step 2 of the grievance procedure, and the Union and Employer held a Step 2 grievance meeting on (b) (6), (b) (7)(C). The Union placed the Step 2 grievance on a one week hold because it was awaiting receipt of medical documentation that might excuse the alleged attendance infractions that resulted in your discharge. On (b) (6), (b) (7)(C) the Employer denied the grievance at Step 2 because no additional documentation was submitted. You acknowledge that in early (b) (6), (b) (7)(C) your (b) (6), (b) (7)(C) asked you if you had any additional documents to support the grievance, and you replied that you had no such additional documents. Thereafter, the Union determined that there was insufficient evidence to sustain your grievance and that the Employer would probably prevail if the grievance was arbitrated. In early (b) (6), (b) (7)(C) at Step 3 of the grievance procedure, the Union withdrew the grievance without prejudice, and then sent you a letter notifying you of its decision. Thereafter, in response to your stated desire to appeal the Union's decision, on (b) (6), (b) (7)(C) the Union provided you with information about how to appeal your grievance, including the relevant portion of the International Union Constitution. You were then able to file an appeal on (b) (6), (b) (7)(C) 2022, and you report that the Union has informed you that your appeal is scheduled to be considered by the Union membership on (b) (6), (b) (7)(C) 2022.

You further contend that on or about (b) (6), (b) (7)(C) 2021, you texted your (b) (6), (b) (7)(C) and asked (b) (6), (b) (7)(C) to provide the signed receipt showing you had received a copy of the collective-bargaining agreement between the Employer and Union from the Union; documents relating to an appointment to see a doctor that you contend a Union safety committeeman made on your behalf in October 2020, when you expected to be (b) (6), (b) (7)(C) related to exposure to Hexachrome gas used in the (b) (6), (b) (7)(C) process; copies of prior grievances you filed; and the telephone number of the International Union. Although you asserted that you sent a text message to your (b) (6), (b) (7)(C) on or about (b) (6), (b) (7)(C) 2021, requesting this information, you did not produce the text message, and the investigation showed that you sent a text message to (b) (6), (b) (7)(C) requesting the telephone number for the International Union, which did not refer to any of the other information you claim to have requested. In addition, the International Union's telephone number is available on the International Union's website, and can be accessed through the Local 2075 website, and the Union asserts that it informed about this. Your signature acknowledging receipt of the collective-bargaining agreement from the Union has no apparent relevance to your discharge grievance. Regarding the medical appointment from October 2020, the Union contends that it was not responsible for making your medical appointments or for making sure (b) (6), (b) (7)(C) and does not possess or

control documents related to your medical appointments and treatment, or that the medical appointment in October 2020 was relevant to your discharge grievance. In addition, it is not clear how your medical records from October 2020, or prior grievances, which apparently are no longer pending, have any bearing on your grievance concerning your indefinite suspension and discharge.

Unions have a duty to fairly represent employees, but have broad discretion in making determinations about whether to pursue a grievance to arbitration, so long as they do not exercise their discretion in a discriminatory or arbitrary manner, or in bad faith. *Vaca v. Sipes*, 386 U.S. 171 (1967); *Glass Bottle Blowers Local 106 (Owens-Illinois, Inc.)*, 240 NLRB 324 (1979). In this case there is no evidence that any Union representative expressed animus against you based on any unlawful consideration, and I find that there is insufficient evidence to show that the Union acted against you based on arbitrary, discriminatory or bad faith considerations, or breached its duty to fairly represent in any manner encompassed by your charge.

For the above reasons, there is insufficient evidence to establish a violation of the Act, and I am refusing to issue a complaint in this case.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **March 16, 2022**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 15, 2022. **If an appeal is postmarked or given to a**

International Union, United Automobile,
Aerospace and Agricultural Implement
Workers of America, Local 2075, AFL-CIO
(General Dynamics Land Systems, Inc.)
Case 08-CB-287359

- 4 -

March 2, 2022

delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before March 16, 2022.** The request may be filed electronically through the ***E-File Documents*** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after March 16, 2022, **even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



David Cohen
Regional Director

Enclosures

cc: see next page

International Union, United Automobile,
Aerospace and Agricultural Implement
Workers of America, Local 2075, AFL-CIO
(General Dynamics Land Systems, Inc.)
Case 08-CB-287359

- 5 -

March 2, 2022

cc:

(b) (6), (b) (7)(C)

International Union, United Automobile,
Aerospace and Agricultural Implement
Workers of America, UAW Local 2075
616 South Collett Street, Suite 102
Lima, OH 45805

James A. Britton, Associate General Counsel
International Union, United Automobile,
Aerospace and Agricultural Implement
Workers of America (UAW), AFL-CIO
Law Department 8000 East Jefferson Avenue
Detroit, MI 48214-3963

David Leonhardt, Human Resources Director
General Dynamics Land Systems, Inc.
1161 Buckeye Road
Lima, OH 45804

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only **one (1) Appeal** can be e-filed to each determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



A screenshot of a dropdown menu with a black border. The menu is open, showing a list of options. The first option is "Extension of Time Request" with a small circular icon to its right. Below it is "File an Appeal" with a small square icon to its left and a circular icon to its right. Then "Notice of Appearance" with a circular icon to its right. Then "Position Statement" with a circular icon to its right. Then "Withdrawal Request" with a small square icon to its left and a circular icon to its right. The last option is "Correspondence".

Extension of Time Request ⓘ
☐ File an Appeal ⓘ
Notice of Appearance ⓘ
Position Statement ⓘ
☐ Withdrawal Request ⓘ
Correspondence

7. The selections of **Evidence** or **Other** should no longer be used.

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
• NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		08-CB-292718	3/17/22
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, (UAW) LOCAL 2075		b. Union Representative to Contact (b) (6), (b) (7)(C)	
c. Address 616 South Collett St, Ste 102, Lima, OH 45805		d. Tel. No. (313)926-5033	e.e. Cell No.
		f. Fax No.	g. e-Mail (b) (6), (b) (7)(C)
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) 1(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Since about an occasion within six months preceding the filing of the charge, and continuously thereafter, it, a labor organization, by its officers, agents and representatives, restrained and coerced, and is restraining and coercing (b) (6), (b) (7)(C) an employee of General Dynamics Land Systems, in the exercise of (b) (6), (b) (7)(C) rights to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all such activities, which rights are guaranteed in Section 7 of the said Act, by violating its duty of fair representation for arbitrary, discriminatory or bad-faith reasons, by engaging in the following conduct:</p> <p>(1) Since about an occasion within six months preceding the filing the charge, the Union has failed to process a termination grievance and/or failed to represent (b) (6), (b) (7)(C) related to the processing of a termination grievance;</p> <p>(2) About (b) (6), (b) (7)(C) 2020, the Union violated its duty of fair representation by entering into a grievance settlement concerning the termination of (b) (6), (b) (7)(C)</p>			
3. Name of Employer General Dynamics Land Systems		4a. Tel. No.	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 1161 Buckeye Road, Lima, OH 45804		6. Employer representative to contact Hank Kennedy, Plant Manager	
7. Type of Establishment (factory, mine, wholesaler) Factory	8. Principal product or service Manufacturer joint systems		9. Number of Workers employed
10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No.		11b. Cell No. (b) (6), (b) (7)(C)
	11c. Fax No.		11d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) An Individual		Tel No.
(Signature) (b) (6), (b) (7)(C) on making charge)	Print/type name and title or office, if any		Cell No. (b) (6), (b) (7)(C)
Address: (b) (6), (b) (7)(C)	Date: 3-12-22		Fax No.
			e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
 PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
FIRST AMENDED CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case	Date filed
		08-CB-292718	4/13/22
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name 1. UAW LOCAL 2075 and 2. UAW Region 2		b. Union Representative to Contact 1. (b) (6), (b) (7)(C) 2. Henry Bertog	
c. Address 1. 616 South Collett Street, Suite 102, Lima, OH 45805 2. 8000 E. Jefferson Ave., Detroit, MI 48214		d. Tel. No. (419)228-7593	e.e. Cell No.
		f. Fax No.	g. e-Mail (b) (6), (b) (7)(C)
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since about an occasion within six months preceding the filing of the charge, and continuously thereafter, it, a labor organization, by its officers, agents and representatives, restrained and coerced, and is restraining and coercing (b) (6), (b) (7)(C) an employee of General Dynamics Land Systems, in the exercise of (b) (6), (b) (7)(C) rights to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all such activities, which rights are guaranteed in Section 7 of the said Act, by violating its duty of fair representation for arbitrary, discriminatory or bad-faith reasons, by engaging in the following conduct: (1) Since about an occasion within six months preceding the filing the charge, the Union has failed to process a termination grievance and/or failed to represent (b) (6), (b) (7)(C) related to the processing of a termination grievance; (2) About (b) (6), (b) (7)(C) 2020, the Union violated its duty of fair representation by entering into a grievance settlement concerning the termination of (b) (6), (b) (7)(C) (3) Since about six months preceding the filing of the charge, the Union has failed and refused to provide (b) (6), (b) (7)(C) with (b) (6), (b) (7)(C) grievance file.			
3. Name of Employer General Dynamics Land Systems		4a. Tel. No.	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 1161 Buckeye Road, Lima, OH 45804		6. Employer representative to contact Hank Kennedy Plant Mgr	
7. Type of Establishment (factory, mine, wholesaler) Factory	8. Principal product or service Manufacture joints	9. Number of Workers employed 100	
10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No.	11b. Cell No. (b) (6), (b) (7)(C)	
	11c. Fax No.	11d. e-Mail (b) (6), (b) (7)(C)	
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By (b) (6), (b) (7)(C)		Tel No.	
(s) (b) (6), (b) (7) or representative (b) (6), (b) (7) person making charge)		(b) (6), (b) (7)(C) an individual	
Address: (b) (6), (b) (7)(C)		Print/type name and title or office, if any	
		Cell No. (b) (6), (b) (7)(C)	
		Fax No.	
		e-Mail (b) (6), (b) (7)(C)	
		Date: 4-12-2022	

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